

July 5, 1940, by the Chicago Macaroni Co. from Chicago, Ill.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: "Three Medals Elbow Macaroni [or "Spaghetti"]."

On October 1, 1940, claimant, Frank R. Green, trading as Maine Tea Co., Portland, Maine, having admitted the allegations of the libel, judgment of condemnation was entered, and the products were ordered released under bond conditioned that they be emptied from the containers and repacked or sold in bulk and that the containers be destroyed.

**1223. Misbranding of spaghetti and macaroni. U. S. v. 4 Cases of Spaghetti and 31 Cases of Macaroni. Default decrees of condemnation and destruction.** (F. D. C. Nos. 2423, 2424. Sample Nos. 15465-E, 15466-E.)

The spaghetti occupied on an average about 32 percent and the macaroni about 50 percent of the volume of the boxes in which they were packed.

On or about July 25, 1940, the United States attorney for the Eastern District of Arkansas filed a libel against 4 cases of spaghetti and 31 cases of macaroni at Paragould, Ark., alleging that the articles had been shipped in interstate commerce on or about June 5, 1940, by Mercurio Bros. Spaghetti Manufacturing Co. from St. Louis, Mo.; and charging that they were misbranded in that their containers were so made, formed, or filled as to be misleading. The articles were labeled in part: (Boxes) "Big A Brand Spaghetti [or "Macaroni"]."

On October 22, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1224. Misbranding of spaghetti. U. S. v. 31 Cases of Spaghetti. Default decree of condemnation. Product distributed to charitable institutions.** (F. D. C. No. 2319. Sample No. 9001-E.)

This product occupied only about 70 percent of the capacity of the package.

On July 8, 1940, the United States attorney for the Northern District of Florida filed a libel against 31 cases of spaghetti at Pensacola, Fla., alleging that the article had been shipped in interstate commerce on or about May 18 and June 1, 1940, by the National Food Products Co. from New Orleans, La.; and charging that it was misbranded in that the containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Package) "Coupon Brand Spaghetti Distributed By The Lewis Bear Company, Inc., Pensacola, Florida."

On August 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions for use therein but not for sale.

**1225. Misbranding of spaghetti. U. S. v. 82 Cases of Spaghetti. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 2492. Sample No. 9897-E.)

This product was short of the declared weight, and its containers were deceptive since they were filled to only about 55 percent of their capacity.

On August 7, 1940, the United States attorney for the Western District of Louisiana filed a libel against 82 cases of spaghetti at Lake Charles, La., alleging that the article had been shipped in interstate commerce on or about May 31, 1940, by the Union Macaroni Manufacturing Co. from Beaumont, Tex.; and charging that it was misbranded. It was labeled in part: (Package) "Fresh Maid Spaghetti Net Weight 6 Ounces Calcasieu Macaroni Mfg. Co. Lake Charles, La."

The article was alleged to be misbranded in that the statement on the label, "Net Weight 6 Ounces," was misleading; in that its containers were misleading; and in that the packages did not bear an accurate statement of the quantity of the contents.

On December 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

**1226. Misbranding of spaghetti dinner. U. S. v. 10 Cases, each containing 24 Cartons, of Spaghetti Dinner. Default decree of condemnation. Product ordered distributed to charitable institutions.** (F. D. C. No. 2224. Sample No. 10884-E.)

These cartons contained a box of spaghetti, a can of cheese, and a bottle of sauce. The spaghetti, which was wrapped in tissue paper, occupied less than 30 percent of the space of the box in which it was packed. The cheese occupied from 50 to 55 percent of the space in the can.

On June 17, 1940, the United States attorney for the District of New Jersey filed a libel against 10 cases of spaghetti dinner at Guttenberg, N. J., alleging